

## **Agenda – Committee on Assembly Electoral Reform**

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Meeting Venue:	For further information contact:
<b>Committee Room 4 – Tŷ Hywel</b>	<b>Helen Finlayson</b>
Meeting date: Monday, 3 February 2020	Committee Clerk
Meeting time: 10.15	0300 200 6565
	<a href="mailto:SeneddReform@assembly.wales">SeneddReform@assembly.wales</a>

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### **Private pre-meeting**

(10.15–10.30)

#### **1 Introductions, apologies, substitutions and declarations of interest**

(10.30)

#### **2 Electing a more diverse Assembly – evidence session on job-sharing**

(10.30–12.00)

(Pages 1 – 40)

Professor Sarah Childs, Birkbeck, University of London

Councillor Mary Sherwood, City and County of Swansea Council

Dr bob Watt

#### **Attached documents:**

CAER(5)–4–20 Paper 1 – Research brief

CAER(5)–4–20 Paper 2 – Written submission from Cllr Mary Sherwood

(originally submitted to the Equality, Local Government and Communities Committee as part of its inquiry into diversity in local government)



### **3 Papers to note**

(12.00)

#### **3.1 Written evidence from the Wales Environment Link on the capacity of the Assembly – January 2020**

(Pages 41 – 43)

**Attached documents:**

CAER(5)–4–20 Paper to note 1

#### **3.2 Letters from committee Chairs on the Assembly’s capacity:**

<b>Paper to note</b>	<b>Committee</b>	<b>Pages</b>
Paper to note 2	Culture, Welsh Language and Communications Committee	44
Paper to note 3	Petitions Committee	45–46
Paper to note 4	Finance Committee	47–48
Paper to note 5	Equality, Local Government and Communities Committee	49–54
Paper to note 6	External Affairs and Additional Legislation Committee	55–58
Paper to note 7	Standards of Conduct Committee	59–60
Paper to note 8	Climate Change, Environment and Rural Affairs Committee	61
Paper to note 9	Constitutional and Legislative Affairs Committee	62–63
Paper to note 10	Health, Social Care and Sport Committee	64–65
Paper to note 11	Children, Young People and Education Committee	66–68
Paper to note 12	Economy, Infrastructure and Skills Committee	69

#### **3.3 Letter from the Llywydd with additional information following the meeting on 2 December 2019 – 27 January 2020**

(Pages 70 – 98)

**Attached documents:**

CAER(5)–4–20 Paper to note 13

**4 Motion under Standing Orders 17.42(vi) and (ix) to resolve to exclude the public from the remainder of the meeting, and from the meetings on 24 February and 2 March**

(12.00)

**5 Electing a more diverse Assembly – consideration of the oral evidence on job-sharing**

(12.00–12.15)

**6 Electoral systems and boundaries – approach to inquiry**

(12.15–12.25)

(Pages 99 – 105)

**Attached documents:**

CAER(5)–4–20 Paper 3 – Proposed schedule of witnesses

CAER(5)–4–20 Paper 4 – Committee visit

**7 Forward work programme**

(12.25–12.35)

(Pages 106 – 112)

**Attached documents:**

CAER(5)–4–20 Paper 5 – Forward work programme

Document is Restricted

**Job-Sharing Cabinet Positions in Swansea: Report to the Equalities, Local Government & Communities Committee “Diversity in Local Government” Inquiry**

The Equalities, Local Government and Communities Committee has published its report following their inquiry into Diversity in Local Government, which includes recommendations to follow Swansea’s example in bringing in job-sharing cabinet positions. This recommendation was made with very little input about how Swansea has done this, and what has been learned in the process.

This paper has two aims. Firstly we aim to support the committee’s recommendation by providing some insights from our early experience of job-sharing in Swansea. Secondly and perhaps more importantly, the paper explains some of the barriers to diversity which job sharing has shone a light on, and for which job-sharing, alone, cannot be a fix.

Although it carries a salary, the “job” of political office is not like other employment. Certain expectations made of politicians – by themselves, each other, the officers they work with and the public – make job-sharing a more complex undertaking, accompanied by more challenges, than a usual job-share. We hope that sharing our experience will be helpful on a practical level, and that the points raised here about cultural barriers to diversity, which job-sharing won’t necessarily put an end to, will be acknowledged as discussions continue about increasing diversity in democracy.

**Legal Status and Culture Change**

The Labour administration in Swansea has been determined to pioneer new modern ways of working for political roles, to encourage younger members especially young mothers to take on senior positions. Policies to become more family friendly have been under discussion and being introduced, influencing meeting times and durations, the active promotion of reimbursement of care costs, etc. This has included some cabinet portfolios being filled on job share basis (1 in 2017; 2 in 2018). Unfortunately the legislation and national local government processes have not helped; Swansea has persisted to successfully implement job-sharing despite rigid and out of date legislation and policy.

Currently, the legal reality is that a Cabinet Member salary, vote and title cannot be shared. Swansea sharers have alternated every three months, but continued to work *as a cabinet member* for the whole period: while the vote and the pay may alternate, job-sharers are still expected to fulfil their full cabinet role at all times. It has proved important to ensure all officers and members understand this.

Officers, particularly those who safeguard our legal compliance, have sometimes been very committed to clarity over who is or is not “the cabinet member” at any time. This can be confusing and undermining, not just for sharers but for colleagues (either members or officers) who are willing to be more flexible in order to embrace the new arrangements.

We welcome assurances that legislation and national policy will soon catch up and facilitate sharing without concern about it not being legally correct. Meanwhile, anyone pushing boundaries (real or perceived) to change cultures should be prepared for this tension.

**Individual Responsibility in the concept of “Leadership”**

A single portfolio-holder, overseeing their workload and remaining solely accountable for it, has many merits – essentially, this format gives clarity of accountability. The concept of individual responsibility is a fairly ingrained cultural expectation of political life. With all due respect for party cohesion, the fraternity of multi-member wards, principles of collective responsibility and

the ultimate shared success or failure of a political administration, individual politicians are ultimately judged according to their own actions, by their colleagues, the media and crucially the electorate. This creates a philosophical dilemma as well as a practical challenge for job-sharing. Collaboration and integration also have many merits. The WCFG Act expects politicians to model these ways of working and we recognise the dangers of any silo mentality. But in the custom and practice of political life, even if collaborating with each other as competent individuals is expected, and works very well, going beyond that to working in a truly integrated way jars against concepts of individual leadership, and this is particularly notable with job-sharing. A nervous dance can emerge, with sharers anxious not to undermine each other and colleagues anxious about maintaining equal communication and collaboration with both partners.

It is worth considering how closely (or not) the qualities associated with “leaders” resemble those we’d look for in a working partner. Concepts of “leadership” shape working cultures and set our expectations of the people we support into leadership roles, who then perpetuate those cultures. The current, rather individualistic, culture of political work is one in which job-sharing can be an awkward fit. To put this another way: people who have enjoyed job-sharing in settings where individual leadership isn’t so paramount and where collaboration and integration occur more naturally may well find their natural working style an awkward fit with politics.

In discussions of diversity, may be recognized that diversity of *working styles* is as necessary as of race, age, sex, economic status etc, and we may know that working styles embedded long ago by white, wealthy men do not suit everyone, but they don’t seem to be being fundamentally challenged while discussions about diversity focus on practicalities. Getting more women into leadership won’t necessarily change these cultures, and nor will more job-sharing.

### **Workload**

The workload of any cabinet member is unpredictable. For conscientious post-holders, seeking to drive improvement and change, there will always be more than can feasibly fit into a “normal” working week. For job-sharers, the boundary of what is achievable must be drawn in more tightly to fit their restricted availability. This is not as straightforward as a standard full-time job commitment where each sharer works their 18.5 hours.

Year 1 of Swansea cabinet job-sharing saw two names heading a list of shared responsibilities. The context of rapid change (see below) meant that both the highly experienced councillor and the new officer-turned-councillor were not familiar with the latest relevant operational structure: officers, plans, partnerships, meeting cycles etc. “Two-for-the-price-of-one” syndrome struck, with both doing everything. Other commitments, such as caring duties and other paid work had to give way in a manner that other sharers, with more fixed outside commitments, simply could not indulge. Inefficiency and duplication of effort, combined with cultural struggles (mainly with officers) over **individual responsibility** necessitated a change. Year 2 saw separate portfolios drawn up, with complete clarity over who would lead on what, but with the expectation that, in the spirit (and legal sense) of job-sharing, both would maintain an overview of the whole portfolio.

A job-sharer may commit to a role that seems feasible on a part-time basis, but with split responsibilities, keeping an eye on a partner’s areas requires additional time. All job-sharers may struggle with “hand-over time”, and political roles are no exception. If we could deploy part-time cabinet roles, with councils allowed to have up to 10 FTE cabinet members, this would eliminate “hand-over time” but other dilemmas related to workload would still be encountered.

Employers generally recognize that they get more than 2 x half-time value out of one shared full-time post. In roles that can become truly immeasurable, with demand expanding unpredictably, job-sharing in a way that is fair and balanced, in respect of the sharers and of their other commitments, can be difficult. Devices commonly used to manage workload-creep in more conventional work settings (like blocking out certain days or switching off emails) don't lend themselves well to a political setting where being perceived as "unavailable" could be damaging.

Fundamentally: what is the Full Time Equivalency of a job that is potentially infinite? To entice someone with caring or other duties into a "part-time" political leadership role, how many hours must they prepare to commit? The usual formula of halving the full time commitment begs the question: how many hours is that? Perhaps if we'd like to see more job-sharing in politics, as a way of achieving more diversity in politics, then we must attempt to address work-life balance for all in politics.

### **Context of Rapid Change**

Demand management, particularly during austerity, requires constant transformation. Getting abreast of an unfamiliar portfolio is a big task; newcomers or "returners" have a lot to learn in a short time to begin being effective. For job-sharers, with less time available, this contextual familiarisation can be a disproportionate burden, and both have to do it. Frequent changes in organizational structure, personnel and loss of resource in general make it more of a challenge; challenges take time to resolve, and job-sharers have less time. Incumbents – whether full-time or job-sharing - who retain a familiar portfolio may cope better with rapid change, once they're comfortable in their role. But incumbency is, research says, an enemy of diversity. If we seek more change in politics and a more open door to people in different situations, the context of rapid change in modern Welsh politics must be recognized as a difficulty to navigate.

### **Remuneration**

We anticipate that it will soon be legally easier for some political roles in Wales to be shared. Until then, as explained above, sharers must "take turns" to comply with the law. In Swansea we have had three-month rotations between the full senior member salary and the basic ward member rate. This fluctuation of income can be problematic, and raise the age-old problem of the role only attracting someone with separate financial security to carry them through it.

A Cabinet role is a continuous 12-month commitment, whether job-shared or full-time, and the Independent Remuneration Panel for Wales needs to be able to recognize this and allow consistent, fair payments. Also, the fact that a pro-rata salary for a job-sharing politician becomes so low as to be an unattractive part-time employment prospect inevitably begs the question of whether the full-time rate is sufficient to be a viable job choice for someone who doesn't have a pension, an inheritance, or a well-paid partner to back them up.

### **Conclusion**

Pioneering is never comfortable, and we are proud to have started this journey and gathered insights to share. The job-sharers of Swansea cabinet, together with a supportive and responsive Leader, continue to learn and adapt. While job-sharing may create more opportunities for some, the challenges involved reflect some of the deeply ingrained cultures of UK politics, which all of us keen to promote diversity in democracy must recognize, and these are not something which job-sharing, alone, can resolve. To encourage younger, or otherwise diverse candidates to step up for political roles, work is needed to challenge cultures, systems and expectations on a broader scale.



The network for environmental, countryside and heritage NGOs in Wales

## Assembly Reform

*January 2020*

### Summary

Wales Environment Link supports the case for increasing the number of Assembly Members in Wales for the following reasons:

- Assembly Members are spread thinly between too many Committees;
- Having such a limited number of AMs has a detrimental impact on their ability to undertake effective policy and legislative scrutiny, making it difficult for them to build up expertise in important areas of policy; and
- Wales may not be able to accept further devolved powers, and continue to develop politically, if the Assembly does not increase in size.

### **The capacity of the Assembly, how it fulfils its responsibilities, and the impact it has**

The National Assembly for Wales has the smallest number of political representatives of any country in the UK. The Expert Panel's report demonstrates the impact this has on their ability to participate in committees by comparing Wales with Scotland. The percentage of AMs that sit on 2 or 3 committees is 42% and 12% respectively, compared with 29% of MSPs that sit on 2 committees and 4% on three committees in Scotland.<sup>1</sup> We believe Assembly Members are spread too thinly amongst scrutiny committees and this has a detrimental impact on Assembly Members' capacity to gain expertise in important areas of policy, such as the environment. It also impacts negatively on their ability to effectively scrutinise Welsh Government policy and legislation.

We note that the Expert Panel reported that "anecdotally, we understand from Members that time available to them to prepare for meetings is limited to the extent that they may be unable to engage with the evidence or issues in sufficient depth."<sup>2</sup> With the addition of further law making powers and the removal of overarching scrutiny mechanisms at an EU level, the role of the Assembly in holding the Welsh Government to account on future environmental policy and legislation will be even more important than it currently is, and workload in this area is likely to increase post-Brexit. Therefore, WEL agrees with the Expert Panel's recommendation that the number of Members should be increased to between 80 and 90 Members.

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<sup>1</sup> [A Parliament that Works for Wales](#), Table 5, p78

<sup>2</sup> [A Parliament that Works for Wales](#), p80



We appreciate that this comes with a significant cost, but we strongly believe that the costs of poor environmental policy and legislation that could be passed if there is not enough resource to support effective scrutiny would be far higher. Our environment needs strong laws and policy to be in place and properly implemented. We need our Assembly Members to have the capacity to learn about these issues fully and hold the Welsh Government to account if they are not being addressed. The opportunity costs are the biggest concern for the environmental NGO sector in Wales if our Assembly Members are stretched too thin to carry out their roles effectively. We agree with the Expert Panel's view that "Even marginal improvements in the scrutiny of the Welsh Government's expenditure could reap significant dividends to the taxpayer as a result of improved legislation, policy and decision-making."

**Any alternative measures that could be taken in the short term to ensure the Assembly has the capacity it needs to carry out its representative, scrutiny and legislative functions.**

WEL has noted with interest the comprehensive review of alternative measures that the Expert Panel detailed in their report. It appears to us that many capacity building measures have already been introduced and those that haven't been introduced have been dismissed due to questions about how democratic they are. Fundamentally, if the workload of the Assembly continues to increase then the number of Assembly Members will need to increase, otherwise it will become a barrier to further devolution of powers. We believe it is already an impediment to effective scrutiny.

**Wales Environment Link (WEL)** is a network of environmental, countryside and heritage Non-Governmental Organisations in Wales, most of whom have an all-Wales remit. WEL is a respected intermediary body connecting the government and the environmental NGO sector in Wales. Our vision is a healthy, sustainably managed environment and countryside with safeguarded heritage in which the people of Wales and future generations can prosper.

This paper represents the consensus view of a group of WEL members working in this specialist area. Members may also produce information individually in order to raise more detailed issues that are important to their particular organisation.



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Dawn Bowden AM

Chair of the Committee on Assembly Electoral Reform

20 January 2020

Dear Dawn,

At our meeting on 8 January we discussed your letter on the potential implications for committees of any change in the size of the Assembly.

Members commented that if there were more Assembly Members and larger committee membership it would give them the chance to specialise in subject areas within the committee remit. For instance, by establishing sub-groups on particular topics.

They also said that the current size of committees means they are often asked to substitute for other Members to ensure each group is represented at all committee meetings, leaving less time for individuals to prepare for, and follow up, on the issues discussed.

Members agreed that the quality of our scrutiny work would be improved with larger committee membership which would enable more capacity for developing expertise through specialisation.

Yours sincerely,



Bethan Sayed

Chair of the Committee

Dawn Bowden AM  
Chair, Committee on Assembly Electoral Reform  
National Assembly for Wales

[SeneddReform@assembly.wales](mailto:SeneddReform@assembly.wales)

24 January 2020

Dear Dawn

### **Potential implications of any change in the size of the Assembly**

Thank you for your letter of 16 December 2019 seeking our views of the potential implications for Assembly Committees of any change in the size of the Assembly.

The Petitions Committee has discussed the specific issues raised and wishes to offer the following broad comments in response:

*Whether the current size of the Assembly has given rise to any implications or limitations for your Committee's work or the way in which you approach policy, legislative and financial scrutiny of the issues within your remit.*

We consider that the size of the Assembly has a bearing on the work that committees are able to undertake, primarily due to the level of demand currently placed on Assembly Members. The size of the current Assembly results in a number of Members sitting on multiple committees, which places restrictions on the size of their membership and the time available for them to meet. The current committee timetable is designed, in part, to limit the impact of timetable clashes for Members arising from committees meeting simultaneously.

Whilst these issues are common to all committees, the specific impact on the Petitions Committee relates to the fact that it is currently timetabled to meet for two hours each fortnight. This influences the design and structure of meetings, limiting the amount of time available for taking more detailed evidence on the issues raised through petitions. The Committee therefore has to apply a strong degree of prioritisation when scheduling such sessions in order to provide fair consideration to all petitions we receive, whilst also conducting detailed scrutiny where possible and beneficial.



Increasing the scope for the Committee to meet through, for example, longer or more frequent meetings could enable the Committee to take evidence in person from more petitioners and to hold greater numbers of detailed inquiries.

*How any recent or anticipated changes to the Assembly's powers or responsibilities, or the broader constitutional context, might affect your Committee's remit or how you undertake your role.*

Changes to the Assembly's powers and responsibilities have the potential to impact upon the Petitions Committee by widening the scope of the petitioning process. The rules governing the admissibility of petitions to the Assembly include a requirement that the action requested is within the powers of either the Assembly or Welsh Government. An increase in the scope of those powers or responsibilities could, therefore, lead to a corresponding increase in the number of admissible petitions received. However, the impact of any specific change would be difficult to forecast accurately.

*Any implications an increase in the size of the Assembly might have for the work of Assembly committees, including the support services they receive.*

We consider that both of the issues raised above have potential implications for the capacity of the current support services for the petitions process and the Petitions Committee, particularly in relation to the administrative support required to run the petitioning process and the Petitions Committee. Whilst some of the impact of these changes could potentially be mitigated by any future Petitions Committee making changes to its ways of working, an increase in the frequency of meetings and/or the number of detailed scrutiny sessions conducted by the Committee, would likely require an increase in the level of support required.

I hope that this information is helpful. We would be happy to provide more detail as required.

Yours sincerely



Janet Finch-Saunders AM  
Chair

Dawn Bowden AM,

Chair, Committee on Assembly Electoral Reform

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24 January 2020

Dear Dawn

Thank you for your letter dated 16 December 2019 in relation to potential implications for Assembly committees of any change in the size of the Assembly. The Finance Committee considered your letter at its meeting on 15 January 2020.

The Committee agrees that one area of its work that may have been enhanced by an increase in capacity relates to the fiscal devolution that has taken place over the course of the Fifth Assembly.

The fiscal changes in Wales are of constitutional importance, and the consequential impact on the revenue of the Welsh Government has changed the way that the Finance Committee has worked. The Committee's ability to consider fiscal developments has to be balanced with the pressures of the budget cycles, the Committee's oversight of the governance of the Wales Audit Office and scrutiny of the financial implications of legislation.

The high work load of the Finance Committee along with the new fiscal developments clearly impact on the capacity and time available to Members to fully understand the new powers and in turn effectively scrutinise the Welsh Government. Furthermore, most Members sit on multiple committees, which



again impacts on their ability to undertake background work in advance of committee sessions.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Llyr', is centered within a light yellow rectangular box.

Llyr Gruffydd AM

Chair of the Finance Committee



Dawn Bowden

**Chair, Committee on Assembly Electoral Reform**

27 January 2020

### **Committee on Assembly Electoral Reform**

Dear Dawn,

Thank you for your letter seeking our views on the potential implications for Assembly committees of any change in the size of the Assembly. As you are aware, we discussed this at our committee meeting on 9 January. It was helpful that you were able to provide some more detail on the work of the Committee on Assembly Electoral Reform, as part of these discussions. I note that neither you nor Huw Irranca-Davies, who also sits on both committees, contributed to the views in this letter.

One of the general points we reflected on was that the roles and responsibilities of the Assembly have increased significantly since its establishment. We now have primary law making powers, which has clearly been a significant change, in particular for the work of Assembly committees.

**✦ Whether the current size of the Assembly has given rise to any implications or limitations for your Committee's work or the way in which you approach policy, legislative and financial scrutiny of the issues within your remit.**

While we cannot be certain that it is the size of the Assembly that means our committee has such a broad and wide-ranging portfolio, we note that in larger legislatures, the responsibilities that sit with our committee are shared out across a number of committees.

The Scottish Parliament, which is a close comparator because its committees undertake both policy and legislative scrutiny, separates the main elements of our portfolio into two different committees: Equalities and Human Rights; and Local Government and Communities. There are



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also other committees that undertake work, which we have covered, including the Social Security Committee, who we met as part of our recent work looking at devolution of benefits.

The Northern Ireland Assembly also has a similar model to Scotland and ourselves, with dual function committees undertaking both policy and legislative scrutiny. There, the matters within our remit are separated between the Executive Committee, whose remit covers equality and human rights and the Communities Committee, which covers housing and local government.

Clearly the structure of committees at Westminster is different, in particular that the select committees do not undertake the legislative scrutiny of Bills introduced. Yet they also split the portfolio across two committees, namely the Housing, Communities and Local Government Committee and the Women and Equalities Committee. In addition, there is also the Joint Committee on Human Rights.

Clearly the broadness of our remit affects our work programme. This is without the further limitations placed on our committee by the heavy legislative workload that naturally falls within our remit. So far, in this Assembly we have considered

- Trade Union (Wales) Act 2017;
- Abolition of the Right to Buy and Associated Rights (Wales) Act 2018;
- Public Services Ombudsman (Wales) Act 2019; and
- Renting Homes (Fees etc.) (Wales) Act 2019.

We are currently also in the process of scrutinising the Local Government and Elections (Wales) Bill, one of the most substantial and significant Bills introduced during this Assembly term.

We note that the Regulation of Registered Social Landlords (Wales) Act 2018 was also within our remit, but was referred to the External Affairs and Additional Legislation Committee because at that time we were considering two other Bills. The distribution of legislation across committees is some what of a lottery, as it depends on the legislation introduced by the Government, back-bench members, the Assembly Commission and committees themselves. Although when considering remits of committees at the start of each Assembly, this can, and should be taken into account. It is clear that certain policy areas are more likely to result in legislation being introduced.

We note that our predecessor Committee considered 30% of legislation introduced during the Fourth Assembly, something highlighted in its [legacy report](#). At this stage in this



Assembly, we have also considered 30% of all legislation introduced, and with one Bill currently being considered by us, and at least a further two likely to be remitted to us, we can anticipate that at the end of this Assembly, we will be the Committee with the largest proportion of legislation remitted to it.

This means that in practical terms, when we also take into account following up our previous work, which is an important part of our programme, with just over 12 months left of this Assembly, we possibly only have capacity for one or two further policy inquiries. Considering the breadth of our remit, this is far from desirable.

As a slight aside, difficulties around capacity can be compounded by decisions made about the time allocated for scrutiny of Bills. We are currently scrutinising the Local Government and Elections (Wales) Bill, a Bill which is extremely broad. As you are aware, we have had significant concerns about the timetable available to us to undertake our scrutiny of this Bill.

The recent decrease in committee size from eight members to six, has also had an impact. This is both in terms of basic logistic issues, as well as broader issues. We are regularly close to being inquorate, in particular at the start and end of meetings. The smaller size also places more pressure on those Members on the Committee. This is a particular challenge at the moment when we are having to maximise the limited time available to us to ensure we complete scrutiny of the Local Government and Elections Bill in line with the timetable agreed by the Business Committee.

Our meeting on 23 January 2020, was an example of these challenges. At this meeting we were concluding our evidence gathering from stakeholders on the Local Government and Elections (Wales) Bill. This included some of the most important sessions, including the WLGA, council leaders; chief executives, as well as local government lawyers. We were scheduled to meet from 9:00am to 3:15pm. At the start of the meeting, we were also considering our draft report on the Welsh Government draft budget, in private session.

Before the meeting started, we knew we would only have four Members so would be "skating on thin ice" when it came to quorum throughout the day.

While we were scheduled to start at 9:00am, I was the only Committee Member present. We were only quorate at 9:17. This gave us 13 minutes to consider our report on the draft budget. This was clearly insufficient, and we agreed to revisit the report at the end of the meeting. It was already tight to consider and agree the report in the half hour we had scheduled, but because of the budget and Local Government bill timetables, this was the only available time. It was clearly impossible to do in 13 minutes. At this stage, we still only had 3 members, so we were quorate. One of these Members then advised that they would be unable to attend the sessions after lunch.



We opened our first evidence session, with a panel of 6 witnesses, four of whom were Council Leaders from across Wales. There were 3 Assembly Members to question these witnesses.

At this stage, it looked likely that we would have to cancel the afternoon session, including two evidence sessions on the Bill. We would not have been able to reschedule these sessions, and this would have caused gaps in our evidence. It would also have been incredibly unfair to those witnesses who had spent time in preparing their evidence and taking time to come to the Senedd to give evidence.

Eventually, at approximately 11:30 we secured two substitutes to attend the afternoon session. While we very much appreciate their time and contribution to the Committee, it is not entirely fair to those Members to expect them to get to grips with an incredibly broad and wide ranging Bill with just over an hours notice. Fortunately both Members were full participants in the meeting.

In outlining this particular example, I wish to be clear, that I am not criticising the individual Members involved. We all understand that illness or other commitments sometimes affect our ability to attend committees. However, due to the smaller sized committees, this reduces the committee's resilience when Members cannot attend. Also because Members sit on multiple committees, this reduces the pool of Members who can substitute at short notice.

While I am pleased that we did not have to cancel business, I cannot pretend that having only two of our substantive members for the full course of the meeting will not have impacted on our scrutiny, and our ability to ensure a full discussion of our budget report.

In addition to the practical issues of quorum, smaller committees limit our ability to create sub-groups or to appoint rapporteurs to lead on specific areas. Again, for a committee with as broad a remit as ours, this has a particular impact on us. The smaller the committee, the more limited you are in your flexibility to take the best approach for each inquiry. We note that the use of sub-groups, which were more common in previous Assemblies has decreased in this, with only one being established.

Smaller committees also reduces the range of views and interests among its membership. While the party balance remains the same, the more members sitting on the Committee, the broader the views and experiences reflected in committee discussion, deliberation and decision making.

When considering the difficulties we have identified above, in particular the wide remit of our committee and the heavy legislative workload, it logically follows that more Assembly Members would help address these issues. As stated at the outset, the powers and



responsibilities of the Assembly have substantially increased particularly with the advent of primary legislative powers, but the number of AMs has remained at 60. More AMs would allow for more committees to share the work. While more members on committees would help committees do more.

✦ How any recent or anticipated changes to the Assembly's powers or responsibilities, or the broader constitutional context, might affect your Committee's remit or how you undertake your role.

We recently published a report calling for further devolution of some elements of the welfare system to the National Assembly. Should this be devolved, it is unclear whether it would sit within our remit, however, considering the close links to elements of our current portfolio, we would expect that any successor committee would be likely to have a keen interest.

✦ Any implications an increase in the size of the Assembly might have for the work of Assembly committees, including the support services they receive.

We do not have any specific comments on this issue. However we will be interested to see the findings of your committee's work.

✦ We would also welcome information about how your Committee assesses the impact of its scrutiny work, and examples of effective scrutiny or missed opportunities.

One of the things we have prioritised as a Committee has been setting aside adequate time for follow up work. Our work is not completed once we have published and debated the report. In particular, we would identify the work around rough sleeping, which we continued to pursue following the publication of the substantive report in 2018. We believe that our follow up work, and our determination to see more pace and urgency in dealing with this issue, contributed to the Welsh Government establishing the Homelessness Action Group and the renewed focus on reducing rough sleeping and homelessness.

More generally, other areas of success include our work on refugees and asylum seekers, which played a vital role in the development of the Welsh Government's new refugee and asylum seeker deliver plan. We also saw throughout the progress of that inquiry immediate actions taken to deal with some of the issues with the quality of asylum accommodation.


More recently, we believe that our inquiry into empty properties, galvanised action by the Welsh Government.

However, clearly by taking more time to follow up inquiries, as we move through the Assembly and have more work to follow up, it impacts on the amount of time we have to do new policy work. This is a matter we are conscious of when making decisions about our work programme.



I hope this information is of use to the committee, please let me know if you want any further information.

Yours sincerely,

A handwritten signature in black ink that reads "John". The letters are cursive and fluid.

John Griffiths

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



Dawn Bowden AM

Chair of the Committee on Assembly Electoral Reform

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27 January 2020

Dear Dawn,

**Committee on Assembly Electoral Reform**

Thank you for seeking our views on the work of your committee. You will be aware of some of our work from your time as a member of this committee. Of course, we also share two members in Delyth Jewell and Huw Irranca-Davies.

We have sought to respond to each of the questions posed in your letter:

**Question 1: Whether the current size of the Assembly has given rise to any implications or limitations for your Committee's work or the way in which you approach policy, legislative and financial scrutiny of the issues within your remit**

The current size of the Assembly has placed no limitation on the way we work or the way in which we approach the scrutiny of issues within our remit.

The creation of the External Affairs and Additional Legislation Committee, at the start of this Assembly, to deal with a significant additional scrutiny task faced by the Assembly, demonstrated that there was a degree of headroom available within the Assembly's scrutiny capacity to allow for an additional committee to be created.

This, coupled with a modest extension of the time available for Assembly business, has meant that we have not faced any particular limitations to our work.



We faced one issue of capacity in 2018 when the Business Committee decided to refer a Bill to the Committee that was unrelated to our core remit.

We dealt with this by establishing a sub committee to consider the Bill and agreeing a separate meeting slot.

On reflection, we believe that this again demonstrated that, with the current number of Assembly Members, it is possible to find additional scrutiny capacity for particular tasks by considering timetabling and the use of small membership committees.

In the case we refer to above, our preference would have been for the Business Committee to have established an ad hoc Bill committee rather than remitting the Bill to us (or indeed any other committee that had an unrelated remit to the policy area dealt with by the Bill). The effect on Assembly Member capacity and timetabling would have been the same, but avoided the need for another committee to be involved.

More recently, our membership was reduced from eight members to six members. This has not caused any problems from our perspective.

**Question 2: How any recent or anticipated changes to the Assembly's powers or responsibilities, or the broader constitutional context, might affect your Committee's remit or how you undertake your role.**

The Brexit process has resulted in a number of new and significant scrutiny tasks emerging. For example, the need for a focus on the emerging concept of a UK internal market (including the scrutiny of UK-wide common policy frameworks), the implications for Wales arising from UK international agreements, and the state of the UK's constitution more generally.

Additionally, the prominence given to international relations by the Welsh Government has increased. This can be seen in both the creation of a Minister for International Relations and the Welsh Language and the recent publication of a new international strategy. This shift in the activity of government has correlated to an enhanced scrutiny task for the Committee.

However, to an extent, these new tasks replace the Assembly's existing work on European affairs.

It is our intention to review our work in early 2021, with a view to identifying any ongoing scrutiny functions that might need to be considered in the Sixth Assembly.

We have yet to consider whether such scrutiny functions might be best addressed by a specific committee or mainstreamed across the work of committees (as has been the case with European affairs).



Ultimately, it will be for the incoming Business Committee of the Sixth Assembly to determine how these scrutiny functions are addressed.

**Question 3: Any implications an increase in the size of the Assembly might have for the work of Assembly committees, including the support services they receive.**

It is difficult to draw any conclusions in relation to this as there are many other factors that affect the work of committees and the support that they receive.

For example, decisions on the number of committees, remits, timetabling, party balance, and size of memberships are as significant in this context as the total number of Assembly Members available to sit on committees.

In our experience, relatively small committees can work effectively. An element of our strategic approach has been to acknowledge that as few as four engaged committee members can undertake effective scrutiny.

**Question 4: We would also welcome information about how your Committee assesses the impact of its scrutiny work, and examples of effective scrutiny or missed opportunities.**

Early in the life cycle of the Committee, we established a strategic approach. We have returned to this approach on several occasions to test whether we have been working in accordance with it and to assess whether it needed to be adjusted.

This has been, largely, an internal exercise, though we have had some external feedback as part of the review process.

Measuring the impact of scrutiny is notoriously difficult, given that much of the influence we seek to bring to bear through scrutiny is rarely acknowledged by those we seek to influence. The impact we have is often hard to quantify.

Nevertheless, it is our current intention, when reviewing our work at the end of the Assembly, to test ourselves against the strategic approach we set and to seek external input to help inform that assessment.

This will contribute to our identification of the scrutiny functions that might need to be carried into the Sixth Assembly and any means we might recommend for performing such functions.

At a macro level, the Committee has achieved its aim of ensuring that the implications for Wales arising from the Brexit process have been considered by those leading the Article 50 process at both a UK and an EU-level. This can be shown through the meetings we held with the EU's lead negotiators in the

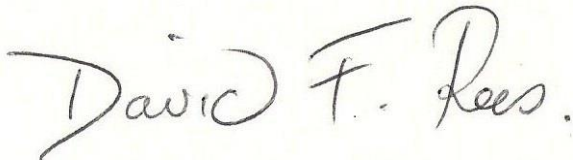




Commission, Parliament and Council. Additionally, reference to the Committee's work in UK Parliament committee reports and on the floor of the House of Commons have demonstrated a level of influence. More work is needed to see whether quantifiable outcomes from this can be discerned.

Thank you again for providing us with an opportunity to contribute to your work.

Yours sincerely,

A handwritten signature in black ink that reads "David F. Rees." The signature is written in a cursive style with a large initial 'D' and 'R'.

David Rees AM

Chair of the External Affairs and Additional Legislation Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



Dawn Bowden AM  
Chair of Committee on Electoral Reform  
National Assembly for Wales

27 January 2020

### Committee on Assembly Electoral Reform

Dear Dawn

Thank you for your letter dated 16 December 2019, inviting the views of the Standards Committee on the potential implications of any change in the size of the Assembly, which was considered by the Committee at its meeting on 21 January 2020.

As you know, the remit of the Standards Committee is to investigate complaints referred by the Standards Commissioner; to consider any matters of principle relating to the conduct of Members; to establish procedures to investigate complaints; and arrangements for the Register of Members' interests and other relevant public records determined by Standing Orders.

The Standards Committee is grateful for the opportunity to comment on potential implications of any change in the size of the Assembly.

The Committee is conscious that its workload is primarily dictated by the volume of complaints that arise during the course of an Assembly. The Committee does not currently have a view on how the number of complaints it considers may be influenced by a change in the size of the Assembly. As such, the Committee does not feel able to express a view on how an increase in the size of the Assembly might influence its work.



Yours Sincerely,

**CAER(5)-4-20 Paper to note 7**

*Jayne Bryant*

Jayne Bryant  
Chair



Dawn Bowden AM

Chair, Committee on Assembly Electoral Reform

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28 January 2020

**Committee on Assembly Electoral Reform**

Dear Dawn

Thank you for your letter, dated 16 December 2019, inviting the Committee's views on the potential implications for Assembly committees of any change in the size of the Assembly.

The Committee considered your letter at its meeting on 22 January 2020 and agreed it would be more appropriate for those Members with a view to respond to your request individually, or via their political group.

Yours sincerely



**Mike Hedges AM**

**Chair of Climate Change, Rural Affairs and Environment Committee**

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



**Cynulliad Cenedlaethol Cymru**  
Bae Caerdydd, Caerdydd, CF99 1NA

 [SeneddNHAMG@cynulliad.cymru](mailto:SeneddNHAMG@cynulliad.cymru)

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 0300 200 6565

Dawn Bowden AM  
Chair, Committee on Assembly Electoral Reform

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29 January 2020

Dear Dawn

Thank you for your letter of 16 December 2019.

I would first like to outline the role of our committee to set the context for our response.

Standing Order 21 requires us to scrutinise and report on all statutory instruments laid before the National Assembly. In addition, it may scrutinise and report on other subordinate legislation. We also scrutinise and report on all Bills laid before the National Assembly, as well as Legislative Consent Memoranda for UK Bills, Statutory Instrument Consent Memoranda and Standing Order 30C Written Statements. We undertake this work in accordance with deadlines set out within Standing Orders and by the Business Committee.

Our remit also extends to wider constitutional matters and is increasing to formally take on justice issues, in response to some of the recommendations contained in the report of the Commission on Justice in Wales.

We, and our predecessor Committee, have generally been composed of a small number of Members, meaning we are not, and have not been, party balanced. As a result, we have traditionally worked in a non-partisan way and that has become a strength of our committee<sup>1</sup>.

Nevertheless, we recognise that our scope to undertake policy inquiries within our remit is limited because of the formal, time-dependent legislative scrutiny duties placed on us

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<sup>1</sup> See [Letter to Llywydd, Chair of Business Committee 24 May 2018](#) for further views on the size of the Committee



by the legislature and the variable flow of the legislation itself. This issue has been particularly relevant in the Fifth Assembly because the Committee's workload has increased as a consequence of scrutinising Brexit-related legislation and becoming a Stage 1 committee for two Assembly bills. Looking to the future, it is not yet clear how the UK's exit from the EU will impact on the nature and volume of primary and secondary legislation to be scrutinised by a committee with responsibilities under Standing Order 21.

So while a broad committee remit can provide the necessary flexibility to undertake work on cross-cutting matters, our legislative scrutiny obligations mean that the broader our remit becomes, the more difficult it will be to undertake inquiries in a timely manner across the range of responsibilities we hold. A larger parliament with more elected Members may permit a different committee structure, which may in turn allow for subjects within our current remit to be allocated to committees in a different way.

Related to this point, we believe that the Committee on Assembly Electoral Reform may wish to take account of the Commission on Justice in Wales' recent report, which makes recommendations for changes to existing Assembly structures.

I would also like to draw your attention to some of the findings contained in our predecessor Committee's report, **Making Laws in Wales**, about the impact the size of the National Assembly has on legislative scrutiny:

- paragraphs 222 – 233 considered the capacity of the Assembly to undertake legislative scrutiny generally;
- paragraphs 330 – 337 considered the scrutiny of subordinate legislation by committees;
- paragraphs 338 – 346 considered post-legislative scrutiny by committees.

Chapter 8 of the report considered Assembly committee structures (paragraphs 378-388) and the importance of data when making decisions about improving the scrutiny process. These sections may also, therefore, be of interest.

Furthermore, our **Stage 1 report on the Senedd and Elections (Wales) Bill** highlights evidence we received about Assembly capacity issues and this may also be relevant to your work.

Yours sincerely



**Mick Antoniw AM**  
**Chair**

Croesewir gohebiaeth yn Gymraeg neu Saesneg.  
We welcome correspondence in Welsh or English.



**Dawn Bowden AM**

Chair

Committee on Assembly Electoral Reform

29 January 2020

Dear Dawn

**Committee on Assembly Electoral Reform**

Thank you for your letter of 16 December 2019 seeking views on the potential implications for Assembly committees of any change in the size of the Assembly. The Committee considered this at its recent meeting and the following comments reflect the views of the majority of us:

- One of the biggest challenges facing Members is that the current size of the Assembly requires many Members to sit on more than one weekly committee. Members felt this affected their ability to prepare for each meeting as thoroughly as they would like. Members also noted the considerable increase in workload over the last ten years, and particularly following the increase in legislative powers.
- Given the breadth of the health, social services and sport portfolio, there have inevitably been occasions where we have had to turn down requests from Members or stakeholders to undertake inquiries. However, Members felt that capacity and time pressures had constrained its ability particularly to undertake follow-up work on previous inquiries, including legislative work.
- Finally, Members discussed the proliferation of Cross Party Groups in this Assembly. There was a view that this was, in part, an effort to compensate for committees not being able to cover every area of their portfolio in depth due to a lack of capacity.



I hope this helps your considerations.

Yours sincerely

A handwritten signature in black ink on a light-colored background. The signature reads "David Lloyd" in a cursive, flowing script.

Dr Dai Lloyd AM

**Chair, Health, Social Care and Sport Committee**





Dawn Bowden AM  
Chair, Committee on Assembly Electoral Reform

29 January 2020

Dear Dawn,

### **Potential implications for committees of any change in the Assembly's size**

Thank you for your letter of 16 December 2019 requesting the Children Young People and Education Committee's view on the potential implications for Assembly committees of any change in the size of the Assembly. As a member of our Committee, you are aware that we discussed this matter during our meeting on 16 January 2020. For the purpose of the record, I note that you have not contributed to the views expressed in this letter given your role as Chair of the Committee on Assembly Electoral Reform.

Further to our discussions we would like to highlight the following points in response to the questions you posed:

- **The increase in the Assembly's powers**

Despite the significant increase in the Assembly's legislative and financial powers over the last 20 years, no corresponding increase has occurred in the number of Assembly Members. We believe that this has spread us more thinly in terms of our capacity to hold the government to account, particularly after the number of office holders (e.g. Welsh Ministers/Presiding Officers) is deducted from the total number of AMs available to populate the committee system.

With the addition of legislative powers and more recent fiscal powers, our responsibilities as committees have rightly increased. Nevertheless, our committees are now the smallest they have ever been. While we do not believe that there is necessarily a correlation between the size of a committee and its effectiveness, our current membership of six—coupled with the wider challenges detailed overleaf—leaves us stretched to do justice to the areas within our remit while fulfilling our wider responsibilities as AMs.



▪ **Membership of multiple committees**

All Children, Young People and Education Committee members either sit on, or chair, at least one other Assembly Committee. This is in contrast to many other legislatures, where parliamentarians are expected to sit on one committee at most.

Due to our membership of multiple committees, the time and space we have to develop expert and in-depth knowledge of our areas of work is limited. Despite our best efforts, this can lead to more superficial scrutiny than we might otherwise hope to deliver and can hinder our ability to pursue particular areas of specialism.

Being a member of multiple committees can also lead to a greater reliance on support provided by Commission and Assembly Member support staff, due to the lack of time available to do our own preparatory and/or follow-up work. However, should the Assembly ultimately decide to increase its size, we would emphasise the need to guard against:

- overwhelming that additional capacity by overloading work programmes;
- any increase in Members' expertise creating an insatiable appetite for yet more detailed information and support from others.

▪ **Committee capacity to cover all areas in our remit**

Within the limits of the Assembly's current size, to be able to hold the government to account across all the areas and functions for which it has responsibility, many committees have broader remits than counterparts in other parliaments. We believe wholeheartedly in the importance of a dedicated committee for children and young people, but the breadth of areas which we are responsible for scrutinising presents frequent challenges.

We are approached regularly with ideas for inquiries and important pieces of work. While we recognise that demand is always likely to outstrip our capacity, during this Assembly, there have been a number of subject areas we would have been keen to pursue had more time and space been available to undertake our committee work alongside our wider responsibilities as Assembly Members.

Furthermore, while recognising the very valuable benefits the current model of dual responsibility for legislative and policy scrutiny can provide in terms of the application of subject knowledge, juggling both is a significant challenge. With legislative timetables often unpredictable on the one hand, but subject to fixed deadlines that are beyond the



Committee's control on the other, our wider programme can be disrupted significantly by the referral of a Bill for scrutiny.

While this may be a symptom of our committee model rather than our size, with fewer than 45 Members available to populate committees that cover such a breadth of areas and responsibilities, we believe we will ultimately come up against the same challenge of capacity regardless of the committee system we adopt.

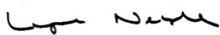
- **Capacity to undertake meaningful public engagement**

Engaging with the general public should be a key part of our work as committees, and as individual Assembly Members. While we strive to adopt innovative methods to maximise our ability to engage with the people of Wales, we believe that face-to-face contact is often necessary. We believe that our size, on occasion, has hindered our ability to spread this work between us, and to travel to different corners of Wales to seek the input of our citizens into our committee work.

- **The relative balance between plenary and committee time**

We recognise that even if the decision to increase the size of the Assembly is taken, changes are unlikely to come into force during the next Assembly. As such, we believe that consideration ought to be given to the overall division of formal Assembly time between plenary and committee business to ensure that this is an optimal use of the 60 Assembly Members we have.

Yours sincerely,



**Lynne Neagle AC / AM**  
**Cadeirydd / Chair**



Dawn Bowden AM  
Committee Chair Assembly Electoral Reform

29 January 2020

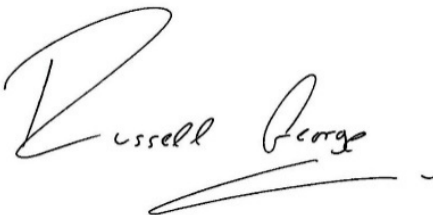
Dear Dawn,

Thank you for your letter dated 16 December regarding the potential implications for Assembly committees of any change in the size of the Assembly. We discussed this letter on 23 January. Members' views on the subject varied and the Committee did not come to a settled position. Some points raised by members in the discussion were:

- This matter is more appropriate for individual AM's or political groups to respond to
- The workload can be difficult and is not comparable to other similar institutions; Assembly Committees are underpowered
- Being on more than one or two committees can be challenging
- Specialising is difficult
- With smaller committees it is very hard to undertake sub-committee or rapporteur work

As mentioned above the views varied between Members. These points are a record of the discussion had as opposed to the view of the Economy, Infrastructure and Skills Committee as a whole.

Yours sincerely,



Russell George AM  
Chair  
Economy, Infrastructure and Skills Committee



Dawn Bowden AM  
Chair of the Committee on Assembly Electoral Reform  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA  
Our ref: PO784/EJ/TJ

27 January 2020

Dear Dawn

Thank you for your letter of 10 December 2019 and for the opportunity to appear before the Committee on 2 December.

In your letter, you request further information in a number of areas in relation to the capacity of the Assembly. I have included the relevant information below.

In addition, during the evidence session, I explained the number of Members available for committee scrutiny and how many sit on one, two and three committees. I have provided further information at Annex A about the roles undertaken by Members and their involvement in committee business.

### **Examples of devolved legislatures that have collaborative working arrangements with elected members of other bodies**

As I outlined during my evidence session, the Assembly itself has a number of arrangements in place for collaborative working with elected members of other bodies. For example, Standing Order 17.54 provides for the Assembly's committees to meet concurrently with any committee or joint committee of any legislature in the UK. Likewise, procedures are in place to enable a smooth flow of information between the Assembly and UK Parliament in relation to Section 109 Orders, Legislative Consent Motions, etc.

One of the specific questions asked during my evidence session was whether I was aware of any examples where arrangements were in place for a Member to deliberately have "a combined function" between legislatures (as opposed to a



Member having a dual mandate as Member of two parliamentary bodies). The Assembly Commission does not hold information on this matter, and has not conducted research into this issue. I am of the view that it is essential that the electorate are clear when they exercise their vote, what responsibilities their representative will have as part of the institution to which they are elected, whom the electorate should hold to account.

A model of Members operating under a 'combined function' between legislatures would potentially create complexities around the accountability arrangements for such Members' decisions, and clearly communicating these to the Members' electorates. It could also present challenges in communicating the respective roles and responsibilities of different institutions, if particular Members are deliberately serving both. It could also create the same potential for conflicts of interest that the Senedd and Elections (Wales) Act sought to address. I remain of the view that it is essential that those holding the Welsh Government to account and shaping the law in Wales are directly elected to this parliament, and accountable for their role to the people they serve.

### **Length of plenary sitting times and the number of sitting weeks**

As the Assembly's responsibilities have developed, the length of plenary sitting times has increased.

At the beginning of the Third Assembly in 2007, the average length of plenary sitting times was just under 4 hours (3 hours and 55 minutes).

By the second half of the Fifth Assembly, the average length of plenary sitting times had increased to nearly 5 hours (an average of 4 hours and 58 minutes in 2018).

It is anticipated the length of plenary sitting times will continue to increase in the future.

Over the same time period, the number of sitting weeks has increased. In July 2013, the Business Committee of the Fourth Assembly agreed to increase the number of sitting weeks from 34 to 35 weeks (by decreasing the summer recess by one week).



In July 2016, the Business Committee of the Fifth Assembly further increased the number of sitting weeks to the current 36 weeks (by decreasing the Christmas recess by one week).

Since then, Business Committee has not discussed broader increases to the Assembly's sitting times or weeks, although the Committee on Assembly Electoral Reform is itself an example of where the Business Committee has agreed that a committee meets outside the usual timetable.

In terms of increasing the Assembly's sitting times or lengthening the business day, this would have implications for the Assembly's commitment to family-friendly hours, which is also a requirement of Standing Orders. Standing Order 11.10 requires the Assembly timetable to have regard to family and constituency or electoral region responsibilities of Members. It is worth noting that the concept of family-friendly hours will have different implications for different Members, reflecting that the geographic locations of different constituencies and regions will have an impact on the structure of their business-weeks. While the statistics on the length of plenary sessions illustrate that there is already a tendency towards longer hours, and increasing flexibility, any further changes would certainly call into question whether SO 11.10 continues to have validity.

Abandoning the commitment to family-friendly hours would also impact on the attractiveness of the role for potential candidates, thereby potentially resulting in a less diverse Assembly. Additionally, it may be questioned how later hours would impact on the quality of scrutiny delivered, as they would reduce the time available to Members to prepare for holding Ministers to account.

In terms of extending the Assembly's sitting weeks, it may be noted that we are already in line with other UK Parliaments in this regard, and we have committed to family-friendly working wherever possible (SO 11.10 also applies to determining recess dates). It may also be noted that Members rely heavily on recess periods to carry out many important aspects of their roles, and that increasing the number of sitting weeks necessarily means decreasing the number of recess weeks.

An argument could be put forward that Assembly committees could be allowed to routinely meet concurrently with plenary sessions. However, the small size of the



**Elin Jones AC, Llywydd**

Cynulliad Cenedlaethol Cymru

**Elin Jones AM, Presiding Officer**

National Assembly for Wales

**CAER(5)-4-20 Paper to note 13**

Assembly means that most Members routinely have key roles in plenary sessions, and this could result in committee and plenary business being heavily disrupted by Members not being present.

### **Costs associated with an increase to the size of the Assembly**

The Expert Panel considered an increase in the number of Members to either 80 or 90 Members. The Commission first published estimated costs of an increase in the number of Members in January 2015. It provided updated costs for the Panel in 2017. Since the Panel reported, Assembly Commission officials have undertaken a further assessment of these costs, which I include in Annex B. This provides information regarding: transitional costs, ongoing annual costs for a typical non-election year and a typical election year, assumptions, and details on who will be responsible for certain decisions.

Many of the decisions associated with a potential increase in the number of Members will be for future Assembly Commissions, future Business Committees, and Remuneration Boards to consider. As such, the costs provided in Annex B include both lower and higher-end estimates, to reflect that the policy-decisions of such future bodies cannot currently be known.

However, it is important to note that the Expert Panel recommended that the Assembly exercise restraint in how it uses any increase in the size of the institution, both to ensure that the potential benefits for the quality and quantity of scrutiny are realised, and that additional costs are kept to a minimum. Equally, it is anticipated that other essential services provided (for example, security) will not be compromised.

I hope you and your committee find this information useful.

Yours sincerely

Elin Jones

Llywydd





**Elin Jones AC, Llywydd**

Cynulliad Cenedlaethol Cymru

**Elin Jones AM, Presiding Officer**

National Assembly for Wales

**CAER(5)-4-20 Paper to note 13**

Croesewir gohebiaeth yn Gymraeg neu Saesneg. We welcome correspondence in Welsh or English.



## **Annex A: Distribution of roles amongst the 60 Assembly Members**

For the purpose of providing statistics on the number of committees that Members sit on, the Committee of the Whole Assembly (which every Member sits on), Business Committee and the Committee for the Scrutiny of the First Minister (which meets on a termly basis) are not included in the following statistics.

The statistics also refer only to permanent members of committees, and not substitute members.

As of 22 January 2020:

- 18 Members do not currently sit on a committee (this is made up of Ministers, the Llywydd, the Deputy Presiding Officer, the Leader of the Opposition, and the Welsh Conservatives Group Business Manager);
- 14 Members sit on one committee;
- 25 Members sit on two committees; and
- Three Members sit on three committees.



## **Annex B – Cost estimates, January 2020**

The following information summarises the estimated costs for an increase in the number of Members to either 80 or 90 Members, in 2026, based on a number of scenarios and assumptions as set out below.

It may be noted that such financial modelling is still a ‘work in progress’ and that the Assembly Commission has not tested the extent to which particular models would be acceptable to Members.

### ***Assumptions made in the process of estimating costs***

For an increase to **80 Members**, it is assumed that Members would be elected on the basis of the current electoral constituencies and regions. It is assumed that those Members would belong to five political groups, and for the purposes of the Remuneration Board’s determination, would reside in the currently defined inner, outer and intermediate areas.

For an increase to **90 Members**, it is assumed that Members would be elected on the basis of 20 constituencies based on pairing current constituencies. It is assumed that those Members would belong to five political groups. It is assumed that the constituencies would be allocated to the inner, intermediate and outer areas (as currently defined in the Remuneration Board’s Determination) on the basis of the current designation of the paired constituencies.

For an increase to both 80 and 90 Members, higher and lower estimates have been sought.

**The lower estimates are based on no increase in current Assembly business–activities.**

**The higher estimates are based on an assumed increase in business–related activities that would consist of:**



- **an additional plenary sitting each week;**
- **an additional policy and legislation committee; and**
- **a proportional increase in the number of ballots for Member Bills.**

In both scenarios, it is assumed that there would be no change in the current number of sitting weeks.

Members' allowances have been estimated on the basis of the Remuneration Board's Determination for 2018–19. Where relevant, the take-up of allowances has been estimated on the basis of take-up in previous years.

It has been assumed that additional office accommodation resulting from increased Members would be provided in Cardiff Bay. The estimates are based on renting additional office accommodation to house Commission staff moved from Tŷ Hywel to make space for additional Members.

The cost estimates summarise the additional cash requirement on the Welsh Consolidated Fund. The actual budget requirement of the Assembly Commission may vary significantly due to the impact of International Financial Reporting Standard 16 – Leases, which comes into effect in 2020–21.

Increases in non-cash expenditure have been identified that amount to approximately £0.5m per year. Examples of non-cash expenditure that are affected by increasing the size of the Assembly include additional strains to Assembly Members' pension service and the depreciation of fixed assets.

All cost estimates are at current values and net of VAT. Estimates of Assembly Commission staff costs include 'on costs', and are based on the highest point of the scale for all grades.



### *Decision-making*

Following any decision the Assembly may make to increase the number of Members, a number of different decision-makers will have a role in determining cost implications, to different timescales, depending on the nature of the decision.

The Assembly, through the annual budget process, will then be responsible for approving any increase required to the Assembly Commission's budget to fund the associated costs.

The main decision-making bodies for the Assembly are:

1. Business Committee. To date, the initial organisation of the Assembly's business (i.e. its committee structures, timetable, etc.) has been determined at the beginning of each new Assembly, by a newly constituted Business Committee. A potential question for a future Business Committee, ahead of an increase in the number of Members in the Assembly, is whether this practice should be maintained, or whether there would be merit in the outgoing Business Committee (of 2026) considering the implications for the organisation of business and committees at the beginning of the next Assembly, in order to facilitate decisions that would need to be taken by others, such as the Assembly Commission and Remuneration Board. However, any such proposals could not be binding upon a successor Business Committee.
2. The Assembly Commission. The Assembly Commission's principal statutory responsibility is to provide the Assembly with the staff, property and services required to fulfil its work. The nature of the services, and associated staff, required to enable the Assembly to fulfil its work is a question for the Commission to determine and review in light of legislative changes and business demands.



There are some decisions that it is assumed it would need to take ahead of the relevant election, such as decisions on accommodation.

The Assembly Commission's usual practice would be to make decisions on the shape of its services to Members after Business Committee has decided on the organisation of business and committee structures at the start of an Assembly (in practice these decisions are taken by the Chief Executive and Clerk/Executive Board).

In preparing its own staffing and resource cost estimates for the beginning of a new Assembly, the Assembly Commission bases its estimates on known practice rather than speculation on what may potentially arise (i.e. the Commission makes the assumption that the organisation of business and committee structures in one Assembly will mirror those of a previous Assembly, unless there is any known reason why this cannot be the case). Any increase in activities (for example the number of committees) will initially sought to be met from existing budgets and resources (utilising any savings or efficiencies where available). Only if it is not possible to address increased activities through existing budgets and resources would the Assembly Commission request an increase to its budget. This practice is consistent with the principles of effective financial management and in line with the [Statement of Principles](#) that the Finance Committee expects Directly Funded Bodies to have regard to when making budget proposals.

3. The Remuneration Board. Under the National Assembly for Wales (Remuneration) Measure 2010, the Remuneration Board is responsible for making decisions on the remuneration of Members and Members' Support Staff (pay and pensions); and allowances for the reimbursement of costs incurred by Members in the performance of their duties as an Assembly Member (such as the office costs, allowances for employing their own staff and political parties' support allowance).



*Policy-dependent (discretionary) and fixed costs*

There are certain fixed-cost requirements which can be reasonably firmly identified for different numbers of Members, and which, in the main, are not directly dependent on formal Assembly business requirements. For example, the costs of supplying ICT equipment, software licences and broadband line rental to additional Members (£321k for an additional 30 Members) are seen as fixed costs.

There are other costs which are dependent upon decisions taken by the Remuneration Board. In particular, the level of staffing resources made available to Members is at the discretion of the Remuneration Board, and the potential additional costs in this regard (£3.29m for an additional 30 Members, based on maintaining the current levels of staffing for individual Members) may not be borne out in full.

Some costs, such as the costs of new accommodation, are treated in the tables that follow as 'fixed', but which in theory could become 'discretionary.' In all the tables below, it is assumed that the office space in Tŷ Hywel will be unable to accommodate the projected numbers of additional Members and Members' support staff, and that Commission staff that will require office accommodation if there are more Members elected to the Assembly. For example, a transitional cost of £1.74m (office refurbishment) and an ongoing cost of £790k (office rental) is currently assumed in the figures for an Assembly of 90 Members. However, a future Commission could decide it to be unnecessary to move staff from Tŷ Hywel to make room for additional Members.

Other costs may be considered 'discretionary,' in that they will depend largely upon policy decisions taken by a future Assembly, Business Committee and Assembly Commission about working practices, priorities and the organisation of formal Assembly business. In particular, Assembly Commission staffing costs are



not fixed and would reflect the decisions a Commission makes regarding the nature of the services to be provided to a larger Assembly to support business needs and Commission investment priorities.

As previously noted, the Expert Panel recommended that the Assembly exercise restraint in how it uses any increase in the size of the institution, both to ensure that the potential benefits for the quality and quantity of scrutiny are realised, and that additional costs are kept to a minimum. Equally it is anticipated that other essential services provided (for example, security) will not be compromised.

It may also be noted that some costs will be influenced by the timescales by which any legislation to increase the number of Members is passed. As a broad principle, more time to prepare for the implications of known legislation would enable the Assembly to better take advantage of various opportunities such a major change would bring, and deliver material financial and implementation benefits. For example, physical changes required to meet the needs of a larger Assembly could be phased over recess periods and dissolution if sufficient notice was given, thereby minimising the disruption to Members and Assembly business.

### ***Ongoing and transitional costs***

Some costs are assumed to be one-off, transitional costs, and some are assumed to be ongoing costs (with the ongoing costs rising in election years).

The ongoing costs come into effect at different times. Some ongoing costs (eg processes related to acquiring additional accommodation) are assumed to begin as early as 2024–2025, whereas others are assumed to not take effect until 2031–32.

For this reason, for each scenario, I have provided two cost estimate tables.





The first table shows the ‘long-term’ cost implications, when all ongoing costs have come into effect, i.e.: the transitional costs, the non-election year ongoing costs (from 2027–2028) and the election year ongoing costs (from 2031–32).

The second table shows the ongoing costs across a number of financial years leading up to 2031–32, so that it can more easily be seen when different ongoing costs would come into effect.

A final, ‘summary’ table, is included at the end of the annex.

***Table 1a – Estimates of additional transitional and ongoing costs of an Assembly of 80 Members, with no increase to Assembly business-related activities, with ongoing costs for typical years from 2031–32 onwards***

	Transitional  (£000k)	Ongoing – typical non- election year (from 2027–28)  (£000k)	Ongoing – typical election year (from 2031–32)  (£000k)
Assembly Commission staff costs	708	1,607	1,672
Other Assembly Commission costs (including refurbishment of additional accommodation,	1,647 <sup>i</sup>	889	942

<sup>i</sup> Of which £50k is capital expenditure



rent of additional accommodation, and other related costs)			
Assembly Member salaries (including office holder salaries– e.g. Committee Chair’s allowance)	–	1,770	1,623
Member support staff salaries	–	2,393	2,393
Member allowances and office costs <sup>ii</sup>	–	885	922
AMSS vacancy provisions	–	138	138
Other costs associated with the Remuneration Board’s Determination	–	420	1,183
<b>Total</b>	<b>2355</b>	<b>7826</b>	<b>8596</b>

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<sup>ii</sup> Includes Residential Accommodation Expenditure; Members Travel; Office costs; and support for political parties



**Table 1b – Estimates of additional ongoing costs of an Assembly of 80 Members, with no increase to Assembly business-related activities, in years leading up to 2031–32**

	Ongoing – 2024–25  (£000k)	Ongoing – 2025–26  (£000k)	Ongoing – 2026–27 (election year)  (£000k)	Ongoing – 2027–28, 2028–29, 2029–30, 2030–31  (£000k)	Ongoing – 2031–32 (election year)  (£000k)
Assembly Commission staff costs	122	518	1,672	1,607	1,672
Other Assembly Commission costs	10	543	942	889	942
Assembly Member salaries (Including office holder salaries)	–	–	1,623	1,770	1,623
Member support staff salaries			2,194	2,393	2,393
Member allowances and office costs <sup>iii</sup>			980	885	922

<sup>iii</sup> Includes Residential Accommodation Expenditure; Members Travel; Office costs; and support for political parties



AMSS vacancy provisions	-	-	127	138	138
Other costs associated with the Remuneration Board's Determination	-	-	516	420	1,183
<b>Total</b>	<b>132</b>	<b>1,061</b>	<b>7,781</b>	<b>7,826</b>	<b>8,596</b>

Ongoing costs for 2031–32 include, rather than are in addition to, ongoing costs for 2026–27.

Ongoing costs for 2027–28, 2028–29, 2029–30 and 2030–31 include, rather than are in addition to, ongoing costs for 2024–25 and 2025–26.



*Table 2a – Estimates of additional transitional and ongoing costs of an Assembly of 80 Members, with an increase to Assembly business-related activities (i.e. an additional plenary sitting each week, an additional policy and legislation committee; and a proportional increase in the number of ballots for Member Bills), with ongoing costs for typical years from 2031–32 onwards*

	Transitional (£000k)	Ongoing – typical non- election year (£000k)	Ongoing – typical election year (£000k)
Assembly Commission staff costs	708	2,576	2,576
Other Assembly Commission costs (including refurbishment of additional accommodation, rent of additional accommodation, and other related costs)	1,669 <sup>iv</sup>	1,100	1,150
Assembly Member salaries (including office holder salaries)	–	1,788	1,640
Member support staff salaries	–	2,393	2,393

<sup>iv</sup> Of which £50k is capital expenditure



Member allowances and office costs <sup>v</sup>	-	885	922
AMSS vacancy provisions	-	138	138
Other costs associated with the Remuneration Board's Determination	-	424	1,188
<b>Total</b>	<b>2,377</b>	<b>9,028</b>	<b>9731</b>

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<sup>v</sup> Includes Residential Accommodation Expenditure; Members Travel; Office costs; and support for political parties



*Table 2b – Estimates of additional ongoing costs of an Assembly of 80 Members, with an increase to Assembly business-related activities (i.e. an additional plenary sitting each week, an additional policy and legislation committee; and a proportional increase in the number of ballots for Member Bills), in years leading up to 2031–32*

	Ongoing – 2024–25  (£000k)	Ongoing – 2025–26  (£000k)	Ongoing – 2026–27 (election year)  (£000k)	Ongoing – 2027–28, 2028–29, 2029–30, 2030–31  (£000k)	Ongoing – 2031–32 (election year)  (£000k)
Assembly Commission staff costs	122	721	2,576	2,576	2,576
Other Assembly Commission costs	10	571	1,150	1,100	1,150
Assembly Member salaries (including office holder salaries)	–	–	1,567	1,788	1,640
Member support staff salaries			2,094	2,393	2,393



Member allowances and office costs <sup>vi</sup>			980	885	922
AMSS vacancy provisions	-	-	121	138	138
Other costs associated with the Remuneration Board's Determination	-	-	520	424	1,188
<b>Total</b>	<b>132</b>	<b>1,292</b>	<b>8,915</b>	<b>9,166</b>	<b>9,731</b>

Ongoing costs for 2031–32 include, rather than are in addition to, ongoing costs for 2026–27.

Ongoing costs for 2027–28, 2028–29, 2029–30 and 2030–31 include, rather than are in addition to, ongoing costs for 2024–25 and 2025–26.

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<sup>vi</sup> Includes Residential Accommodation Expenditure; Members Travel; Office costs; and support for political parties





***Table 3a – Estimates of additional transitional and ongoing costs of an Assembly of 90 Members, with no increase to Assembly business-related activities, with ongoing costs for typical years from 2031–32 onwards***

	Transitional (£000k)	Ongoing – typical non- election year (£000k)	Ongoing – typical election year (£000k)
Assembly Commission staff costs	708	1,752	1,818
Other Assembly Commission costs (including refurbishment of additional accommodation, rent of additional accommodation, and other related costs)	2,503 <sup>vii</sup>	1,295	1,369
Assembly Member salaries (including office holder salary)	–	2,418	2,418
Member support staff salaries	–	3,590	3,590
Member allowances and office costs <sup>viii</sup>	–	1,326	1,326

<sup>vii</sup> Of which £50k is capital expenditure

<sup>viii</sup> Includes Residential Accommodation Expenditure; Members Travel; Office costs; and support for political parties



AMSS vacancy provisions	-	138	138
Other costs associated with the Remuneration Board's Determination	-	626	1,725
<b>Total</b>	<b>3,211</b>	<b>11,019</b>	<b>12,038</b>



**Table 3b – Estimates of additional ongoing costs of an Assembly of 90 Members, with no increase to Assembly business-related activities, in years leading up to 2031–32**

	Ongoing – 2024–25  (£000k)	Ongoing – 2025–26  (£000k)	Ongoing – 2026–27 (election year)  (£000k)	Ongoing – 2027–28, 2028–29, 2029–30, 2030–31  (£000k)	Ongoing – 2031–32 (election year)  (£000k)
Assembly Commission staff costs	122	518	1,818	1,752	1,818
Other Assembly Commission costs	10	848	1,369	1,295	1,369
Assembly Member salaries (including office holder salaries)	–	–	2,418	2,638	2,418
Member support staff salaries			3,291	3,590	3,590
Member allowances and office costs <sup>ix</sup>			1,320	1,326	1,326

<sup>ix</sup> Includes Residential Accommodation Expenditure; Members Travel; Office costs; and support for political parties



AMSS vacancy provisions	-	-	127	138	138
Other costs associated with the Remuneration Board's Determination	-	-	777	626	1,725
<b>Total</b>	<b>132</b>	<b>1,366</b>	<b>10,802</b>	<b>11,019</b>	<b>12,038</b>

Ongoing costs for 2031–32 include, rather than are in addition to, ongoing costs for 2026–27.

Ongoing costs for 2027–28, 2028–29, 2029–30 and 2030–31 include, rather than are in addition to, ongoing costs for 2024–25 and 2025–26.



*Table 4a – Estimates of additional transitional and ongoing costs of an Assembly of 90 Members, with an increase to Assembly business-related activities (i.e. an additional plenary sitting each week, an additional policy and legislation committee; and a proportional increase in the number of ballots for Member Bills), with ongoing costs for typical years from 2031–32 onwards*

	Transitional (£000k)	Ongoing – typical non- election year (£000k)	Ongoing – typical election year (£000k)
Assembly Commission staff costs	708	2,810	2,810
Other Assembly Commission costs	2,529 <sup>x</sup>	1,508	1,580
Assembly Member salaries (including office holder salaries)	–	2,656	2,436
Member support staff salaries	–	3,590	3,590
Member allowances and office costs <sup>xi</sup>	–	1,326	1,326
AMSS vacancy provisions	–	138	138

<sup>x</sup> Of which £50k is capital expenditure

<sup>xi</sup> Includes Residential Accommodation Expenditure; Members Travel; Office costs; and support for political parties



Other costs associated with the Remuneration Board's Determination	-	630	1,730
<b>Total</b>	<b>3,237</b>	<b>12,312</b>	<b>13,264</b>



*Table 4b – Estimates of additional ongoing costs of an Assembly of 90 Members, with an increase to Assembly business-related activities (i.e. an additional plenary sitting each week, an additional policy and legislation committee; and a proportional increase in the number of ballots for Member Bills), in years leading up to 2031–32*

	Ongoing - 2024–25  (£000k)	Ongoing - 2025–26  (£000k)	Ongoing - 2026–27 (election year)  (£000k)	Ongoing - 2027–28, 2028–29, 2029–30, 2030–31  (£000k)	Ongoing - 2031–32 (election year)  (£000k)
Assembly Commission staff costs	122	721	2,810	2,810	2,810
Other Assembly Commission costs (including refurbishment of additional accommodation, rent of additional accommodation, and other related costs)	10	876	1,580	1,508	1,580



Assembly Member salaries (including office holder salaries)	-	-	2,418	2,638	2,436
Member support staff salaries			3,291	3,590	3,590
Member allowances and office costs <sup>xii</sup>			1,326	1,326	1,326
AMSS vacancy provisions	-	-	121	138	138
Other costs associated with the Remuneration Board's Determination	-	-	781	630	1,730
<b>Total</b>	<b>132</b>	<b>1,597</b>	<b>12,029</b>	<b>12,312</b>	<b>13,264</b>

Ongoing costs for 2031–32 include, rather than are in addition to, ongoing costs for 2026–27.

Ongoing costs for 2027–28, 2028–29, 2029–30 and 2030–31 include, rather than are in addition to, ongoing costs for 2024–25 and 2025–26.

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<sup>xii</sup> Includes Residential Accommodation Expenditure; Members Travel; Office costs; and support for political parties





**Table 5: Summary of tables 1A, 2A, 3A and 4A**

	<i>Transitional</i> (£000k)	<i>Ongoing</i> typical non- election year (from 2027-28) (£000k)	Ongoing - typical election year (from 2031-32) (£000k)
<i>80 Members, with no increase to Assembly business-related activities</i>	2355	7826	8596
<i>80 Members, with an increase to Assembly business-related activities (i.e. an additional plenary sitting each week, an additional policy and legislation committee; and a proportional increase in the number of ballots for Member Bills)</i>	2,377	9,028	9731
<i>90 Members, with no increase to Assembly business-related activities</i>	3,211	11,019	12,038
<i>90 Members, with an increase to Assembly business-related activities</i>	3,237	12,312	13,264

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# Agenda Item 7

By virtue of paragraph(s) ix of Standing Order 17.42

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